



IFW

PATENT
Customer No. 22,852
Attorney Docket No. 05725.1484-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. National Phase Application
No. **PCT/EP2004/000130** of:

Jean-Louis H. GUERET

Application No.: 10/541,840

Filed: July 10, 2006

For: PROCESS OF HEATING A CARRIER
ON WHICH OR INSIDE WHICH A
COSMETIC PRODUCT IS PLACED

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)
) Group Art Unit: Unassigned
)
) Examiner: Unassigned
)
) Confirmation No.: 4272
)
)
)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents on the attached listing. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents, including any co-pending applications, are attached. Copies of the U.S. patents and U.S. patent application publications are not enclosed. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003) that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicant should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicant is not representing that the office actions in the co-pending applications are material to the present application and is not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed substantive filings from a co-pending application on the attached form PTO-SB-08 and has enclosed copies of the documents as well. At the Examiner's request, Applicant has not included copies of the office actions from co-pending applications issued by the Examiner of this application.

With respect to the non-English language documents, Applicant submits the following remarks:

1. **DE 43 12 278 C2** - An abstract of the disclosure of this document can be found in the English language abstract submitted herewith.
2. **FR 2 376 401** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
3. **International Search Report for PCT/EP03/13698** - This is the International Search Report which relates to the present application.

4. International Search Report for PCT/EP03/13698 - This is the International Search Report which relates to the co-pending Application No. 10/538,017.

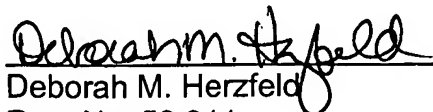
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

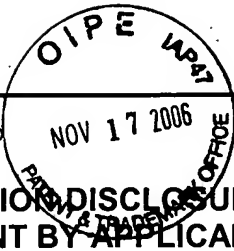
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Deborah M. Herzfeld
Reg. No. 52,211

Date: November 17, 2006

Form PTO-SB-08:
Substitute for form 1449A/PTO



INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/541,840
Filing Date	July 10, 2006
First Named Inventor	Jean-Louis H. GUERET
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	05715.1484-00000

Sheet 1 of 1

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US-4,913,957	04-03-1990	Strack et al.	
	2	US-4,933,525	06-12-1990	St. Philipps	
	3	US-5,674,268	10-07-1997	Riazi	
	4	US-5,775,344	07-07-1998	Clay	
	5	US-5,786,578	07-28-1998	Christy et al.	
	6	US-5,856,653	01-05-1999	Boudreaux	
	7	US-5,980,536	11-09-1999	Jamali	
	8	US-6,485,730 B1	11-26-2002	Hickey et al.	
	9	US-6,616,363 B1	09-09-2003	Guillaume et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁵
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	10	DE 43 12 278 C2	05-04-1995	Mueller G		Abstract
	11	EP 1 191 317 A1	03-27-2002	Sonoco Development, Inc.		
	12	FR 2 376 401	07-28-1978	Joubert G		Abstract
	13	GB 2 273 026 A	06-01-1994	Edward John Weston		
	14	GB 2 321 443 A	07-29-1998	Reckitt & Colman France		
	15	WO 00/43286	07-27-2000	Instituto Profilattico		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁵
	16	International Search Report for PCT/E2004/000130, dated May 19, 2004, Examiner D. Lang.	
	17	International Search Report for PCT/EP03/13698, dated June 25, 2004, Examiner W. Hinrichs, from related co-pending Application No. 10/538,017 (Attorney Docket No. 05725.1471-00000), filed June 7, 2005.	
	18	Co-pending Application No. 10/538,017 (Attorney Docket No. 05725.1471-00000), filed June 7, 2005.	
	19	Preliminary Amendment filed in co-pending Application No. 10/538,017 (Attorney Docket No. 05725.1471-00000) on June 7, 2005.	
	20	English language abstract of DE 43 12 278 C2, May 4, 1995.	
	21	English language abstract of FR 2 376 401, July 28, 1978.	

Examiner
Signature

Date
Considered